

REMARKS

The Final Office Action mailed December 5, 2005, has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 11 and 12 were rejected as being anticipated by U.S. Patent No. 6,455,851 (Lord et al.). Claims 2-4 were rejected as being unpatentable over Lord et al. in view of U.S. 6,892,262 (Taki). Claims 5-7, 10, 13-17 and 20, are rejected as being unpatentable over Lord et al., in view of U.S. Patent No. 6,919,823 (Lock). These rejections are respectfully traversed for the following reasons.

Without conceding the propriety of the art rejections above, each of the independent claims 1, 12, and 20 have been amended to recite the inclusion of a first illumination source positioned to illuminate the at least one feature of the first vehicle. The feature being illuminated in the feature of the vehicle captured in the video device. This illumination source is separate from the open path emissions sensor, which may or may not include its own illumination source.

Turning to paragraphs [0023] and [0024] of the specification, for example, and to FIG. 1 of the present application, this disclosure describes illumination sources 11 and 27 which allow the image collectors (or video capture devices) to obtain images at night. These illumination sources are illustrated as projecting light out in the direction at which the video devices 10 and 26 are directed, *e.g.*, the embodiment shown in FIG. 1 is directed towards the rear of the vehicle to capture image data such as license plate data. These additional illumination sources, which may be infrared, allow the video camera to detect the features such as a license plate at night, and also in some embodiments can be configured to do so without distracting the driver. The video

capture device and the illumination source of the video capture device are separate and independent from the emissions sensor beam path formed by structures 18 and 19.

The Final Office Action, notes that the Lord et al. patent describes light used by detectors at FIG. 1, col. 9, lines 30-35 and col. 10, lines 46-53. However, further review of these portions of the Lord et al. disclosure shows that this disclosure is directed to emitting light for a UV spectrometer that is part of the emission detector beam path. Nothing in Lord et al. is seen to teach or suggest providing illumination to assist the video camera 26 of Lord et al. Accordingly, amended independent claim 1, 12, and 20 are believed patentable over Lord et al. Further, the secondary citations to Taki and Lock are not seen to remedy this deficiency.

Independent consideration of the dependent claims is also respectfully requested. For example, dependent claims 5, 18 and 21 each recite a second video image collector as well as a second illumination source positioned to illuminate the at least one feature being detected by the video image detector. It is noted above, neither Lord et al. nor the secondary citations are seen to teach this illumination to assist the video detection. Further, none of these references whether taken singularly or in combination can be said to teach having two such video camera devices, each employing a respective illumination device directed to its respective vehicle, as recited by these particular dependent claims. The other dependent claims are believed allowable for the reasons given above with respect to the independent claims or for defining additional features in their own right.

Entry of this amendment, after final rejection, is believed in order and such action is requested. No new claims are added, and a number of dependent claims are cancelled. Further, it is believed that the issues in this case are well developed and thus consideration of the amended claims would not require an undue burden on the part of the Examiner.

In view of the foregoing, reconsideration and allowance of this application is believed in order and such action is honestly solicited. If the examiner believes a teleconference would be beneficial in expediting the prosecution of application, the Examiner is invited to telephone the undersigned at 202-861-1696.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87354.2880.

Respectively submitted,

BAKER & HOSTETLER LLP



Leo J. Jennings
Registration No. 32,902

Date: March 6, 2006
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036
Telephone: (202) 861-1500
Facsimile: 202-861-1783